

REQUEST FOR PROPOSALS

California Local Energy Assurance Planning (CaLEAP) Solicitation



RFP #600-10-614
www.energy.state.ca.gov/contracts
State of California
California Energy Commission
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- 1 Contractor Status Form
- 2 Darfur Contracting Act
- 3.1 Certified Small/micro Business, Non-small Business and DVBE Certification Instructions
- 3.2 Disabled Veteran Business Enterprise Program Requirements
- 3.3 DVBE Std. 843
- 3.4 Bidder Declaration form GSPD-05-105
- 4 Contractor Certification Clauses
- 5 Client References
- 6 Sample Standard Agreement
- 7 Budget Forms
- 8 Target Area Contract Preference Act (TACPA) Request
- 9 Enterprise Zone Act (EZA) Preference Request
- 10 Local Agency Military Base Recovery Area (LAMBRA) Preference Request
- 11 ARRA Solicitation Financial Management Information Form
- 12 Single Audit Act Compliance
- 13 ARRA NEPA Environmental Questionnaire
- 14 CEQA Compliance Form
- 15 CAAT Sub Recipient Reporting (Informational Only)

I. Introduction

BACKGROUND

On August 14, 2009, the United States Department of Energy (DOE) awarded the California Energy Commission (Commission) \$3,572,526 for Energy Assurance planning efforts. Funded through the American Recovery and Reinvestment Act of 2009 (ARRA), the Enhancing State Government Energy Assurance Capabilities and Planning for Smart Grid Resiliency Initiative (State Energy Assurance Initiative) provides money to state governments to improve emergency preparedness plans and ensure grid resiliency on a regional basis, including staff training on smart grid technologies integration, interdependencies, and cyber-security.

The purposes of the federal government's State Energy Assurance Initiative are to:

- 1) strengthen and expand state and local government energy assurance planning and resiliency efforts by incorporating response actions for new energy portfolios and Smart Grid applications;
- 2) create jobs; and 3) build in-house state and local government energy assurance expertise.

The initiative will focus on building regional energy assurance capability to allow states to better coordinate and communicate statewide and with one another, on energy security, reliability, and emergency response issues.

The development of energy assurance plans at the local government level is critical to the success of the State Energy Assurance Initiative in California as such efforts are essential components of increasing regional energy assurance capability. California cities, counties, and regional or metropolitan planning organizations charged with energy assurance planning for constituent cities and counties (Local Governments) are on the front line in addressing energy emergencies and implementing new energy technologies and transmission systems in the State. The Local Energy and Land Use Assistance Unit of the Commission's Special Projects Office, working with the Commission's Fossil Fuels Office, will administer approximately \$3 million of the Commission's award under the State Energy Assurance Initiative to assist Local Governments in developing energy assurance plans in conformity with California's State-Wide Energy Assurance Plan.

PURPOSE OF RFP

The purpose of this Request for Proposal (RFP) is to select the best qualified contractor to: (1) develop a local government energy assurance planning framework based on federal, state and local guidelines; (2) solicit the input of Local Governments in developing and using a web-based application for the creation of energy assurance plans; (3) develop, test and launch a fully-functional and easy to use interactive, data-driven web application (Web Application) to enable Local Governments to create energy assurance plans; (4) provide a method, i.e., workshops, webinars, or other forms of training, to assist Local Governments in using the Web Application to develop energy assurance plans; (5) recruit Local Governments to develop energy assurance plans for their jurisdictions; and, (6) develop the maximum number of energy assurance plans for Local Governments.

I. INTRODUCTION, CONTINUED

The contractor and subcontractors engaged on this project (Contractor Team) must have expertise in:

- 1) Energy assurance planning at the State and local level, including, but not limited to, the following categories of expertise:
 - a. Critical infrastructure assessment in electricity, natural gas, and liquid fuel (supply, delivery, and loads);
 - b. Physical and cyber-security;
 - c. Smart grid technologies;
 - d. Interdependent infrastructures (water, transportation, and communications, etc.);
 - e. An “all hazards” approach (fires, earthquakes, floods, natural, and anthropogenic disasters) to emergency planning and response; and,
 - f. California energy policies on smart grid, alternative transportation and electric generation fuels, renewable generation, storage technologies, and efficiency initiatives.
- 2) Web application development – the Contractor Team must demonstrate:
 - a. A proven track record of producing easy to use, interactive, data-driven web applications.
 - b. A proven track record of developing or modifying off-the-shelf software applications.
 - c. A proven track record training clients in the use of web-applications developed for specific projects.
- 3) Project management – the Contractor Team must demonstrate:
 - a. Specific organizational, administrative, and team leadership skills
 - b. A proven track record for managing projects successfully, including:
 - i. Cost control.
 - ii. Maintenance of project schedule.
 - iii. Ensuring quality control of deliverables produced by the Contractor Team, and
 - iv. Communicating effectively.

I. INTRODUCTION, CONTINUED

- 4) Effectively working with Local Governments, including, but not limited to, an understanding of the needs and challenges of developing energy assurance plans at the local government level.

KEY ACTIVITIES AND DATES

Key activities and times for RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

ACTIVITY	ACTION DATE
RFP Release	March 18, 2011
Deadline for Written Questions	April 4, 2011
Pre-Bid Conference	April 4, 2011
Distribute Questions/Answers and Addenda (if any) to RFP	April 8, 2011
Deadline to Submit Proposals by 3:00 p.m.	April 26, 2011
Notice of Proposed Award	May 6, 2011
Commission Business Meeting	June 15, 2011
Contract Start Date	July 11, 2011
Contract Termination Date	May 14, 2012

AVAILABLE FUNDING

There is up to \$2,969,300 available for the contract resulting from this RFP. The total budget for work performed under Task 3 of this contract may not exceed \$499,950. This is an hourly rate plus cost reimbursement contract and the award will be made to the responsible Bidder receiving the highest points.

The Commission reserves the right to reduce the contract amount to an amount deemed appropriate in the event the budgeted funds do not provide full funding of Commission contracts. In this event, the Contractor and Commission Contract Manager (CCM) shall meet and reach agreement on a reduced scope of work commensurate with the level of available funding.

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

Monday, April 4th, 2011
10 a.m.
California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4392

I. INTRODUCTION, CONTINUED

PARTICIPATION THROUGH WEBEX

For participation through WebEx, the Energy Commission's on-line meeting service, follow the instructions below:

COMPUTER LOGON WITH A DIRECT PHONE NUMBER:

* Please go to <https://energy.webex.com> and enter the unique meeting number: 491 918 747

* When prompted, enter your information and the following meeting password: LEAP4\$NOW

* After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

COMPUTER LOGON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC.:

* Please go to <https://energy.webex.com> and enter the unique meeting number: 491 918 747

* When prompted, enter your information and the following meeting password: LEAP4\$NOW

* After you login, a prompt will ask for your phone number. CLICK CANCEL.

* Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

TELEPHONE ONLY (NO COMPUTER ACCESS):

* Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from:

<https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

QUESTIONS

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions via mail, electronic mail, and by FAX. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference.

Approximately two weeks after the Pre-Bid Conference, question and answer sets will be mailed to all parties who requested a copy of this RFP from the Commission Contracts Office and to all who attended the Pre-Bid conference and provided their contact information on the sign-in sheet. The questions and answers will also be posted on the Commission's website at: <http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP. Therefore, all communication should be directed in writing to the Energy Commission's Contract Officer assigned to the RFP.

I. INTRODUCTION, CONTINUED

CONTACT INFORMATION

Andrew Ferrin, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4921
FAX: (916) 654-4423
E-mail: aferrin@energy.state.ca.us

RESPONSES TO THIS RFP

Responses to this solicitation shall be in the form of a Technical and Cost Proposal according to the format described in this RFP. The Technical Proposal shall document the Bidder's approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work, and the Cost Proposal shall detail the Bidder's budget to perform such tasks.

REFERENCE DOCUMENTS

- *Local Government Energy Assurance Guidelines*, Public Technology Institute (PTI), available at <http://www.pti.org/docs-sust/LocalGovernmentEnergyAssuranceGuidelines.pdf>.
- *State Energy Assurance Guidelines, December 2009*, National Association of State Energy Officials (NASEO), available at http://www.naseo.org/eaguidelines/State_Energy_Assurance_Guidelines_Version_3.1.pdf.
- *Smart Grid & Cyber Security for Energy Assurance*, National Association of State Energy Officials (NASEO), available at http://www.naseo.org/energyassurance/Smart_Grid_and_Cyber_Security_for_Energy_Assurance-NASEO_December_2010.pdf.
- *State Energy Assurance Planning Framework, April 2010*, National Association of State Energy Officials (NASEO), available at http://www.naseo.org/eaguidelines/framework/Energy_Assurance_Planning_Framework.pdf.

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the required elements of qualifying proposals for the project to be completed by the Contractor Team under this solicitation, such as required tasks and contract deliverables. These required elements must be included in the bidder's proposed scope of work, budget, and schedule.

BACKGROUND

The Contractor Team will develop a fully-functional and easy to use interactive, data-driven web application that will enable Local Governments to create energy assurance plans for energy emergencies and supply disruptions that integrate new energy technologies and strategies, referred to in this solicitation as the Local Energy Assurance Planning Web Application (Web Application or LEAPWA). The Contractor Team will conduct outreach to Local Governments to solicit their input on the effective development and use of the Web Application. The Contractor team will also be responsible for providing assistance to Local Governments in the use of the Web Application through centralized training and individual assistance. Thus, the contract resulting from this solicitation will cover the development of the Web Application and outreach and assistance to Local Governments, as explained above (Project).

Local Governments will be able to create energy assurance plans by inputting critical data about their jurisdictions into the Web Application, such as information relevant to existing utilities and infrastructure, vulnerabilities, emergency services, inter and intra-agency responsibilities and coordination, and pertinent maps. The Web Application will be adaptable to a wide range of potential local conditions, including geographic (north to south, and coastal to inland to mountain), population (rural to suburban to highly urbanized), energy source profiles, disruption risks (wildfires, earthquakes, flooding, etc.). Further, the Web Application will incorporate information on existing electricity generation, pipelines, and transmission lines, as well as new energy technologies, such as smart grid and distributed generation. Moreover, the Web Application will utilize both traditional emergency response planning elements and proactive planning approaches to minimize the risk and impact of energy disruptions. Each energy assurance plan created with the Web Application will identify priorities, potential risks, and recommended strategies in accordance with the energy assurance methodology, as described below in Task 2.

Local Governments may use the Web Application to create energy assurance plans that are tailored to their individual jurisdictions or regional energy assurance plans that reflect the interdependent infrastructure of multiple cities, counties, and/or regional or metropolitan planning organizations. Each local government will have the ability to select recommendations that work best in their jurisdiction during the development of their energy assurance plan.

The Contractor Team will solicit feedback on the Web Application from Local Governments and other stakeholders during the course of the Project. As directed by the CCM, input received and lessons learned throughout the duration of the Project will be incorporated into the Web

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

Application so that the final version of the Web Application will be robust, versatile, and user-friendly.

PROJECT GOALS AND OBJECTIVES

The goals and objectives of this Project are to:

- Develop a Web Application that will enable Local Governments to create energy assurance plans;
- Integrate new energy technologies, such as renewable generation, smart grid, bio-fuels, and distributed energy resources in energy assurance plans of Local Governments;
- Strengthen and expand energy assurance planning and resiliency efforts of Local Governments for energy emergencies and supply disruptions;
- Reduce high energy vulnerabilities in California through the development of energy assurance plans by Local Governments that consider factors, including, but not limited to, the protection of critical public and private infrastructure, how to reduce the occurrence, duration and severity of outages, and the identification of unknown vulnerabilities;
- Build in-house local government energy assurance expertise;
- Encourage inter-jurisdictional coordination between local and regional governments in California; and
- Create jobs.

PERFORMANCE METRICS

Performance metrics for evaluating the success of the Project and the Contractor Team will include, but not be limited to, the following:

- The overall effectiveness and ease of use of the Web Application that will reduce the cost of preparing each plan;
- The preparation of energy assurance plans with the Web Application in accordance with the Energy Assurance Methodology described in Task 2;
- The total number of Local Governments represented by energy assurance plans created under this Project.
- The number of jobs created; and,
- The satisfaction of the goals and objectives of the Project, as stated above.

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

TASK 1: CONTRACT MANAGEMENT

TASK 1.1 - KICKOFF MEETING

The Contractor shall:

- Attend a “kick-off” meeting with the Energy Commission Contract Manager (CCM), Contracts Officer, and the Accounting Office. The Contractor shall include at a minimum their Project Manager, Contract Administrator, and Accounting Officer. The administrative and technical aspects of this contract will be discussed.
- Review Reference Documents identified above in Section 1.

Deliverables:

- Provide the CCM written confirmation that the Contractor has reviewed the Reference Documents.

TASK 1.2 - INVOICES

The Contractor shall:

- Prepare an invoice for all reimbursable expenses incurred performing work under this contract in compliance with the Terms and Conditions of the contract. Official invoices must be submitted to the Energy Commission’s Accounting Office.

TASK 1.3 - SUBCONTRACTORS

In the event Subcontractors are part of the Contractor’s proposal, the Contractor shall:

- Manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work and the Energy Commission will assign all work to the Contractor. If the Contractor decides to add new subcontractors, they shall 1) comply with the terms and conditions of the contract, and 2) notify the CCM who will follow the Energy Commission’s process for adding or replacing subcontractors.

TASK 1.4 - MONTHLY PROGRESS REPORTS

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of the project.

The Contractor shall:

- Prepare monthly progress reports which summarize all contract activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the contract within the current budget and any anticipated cost overruns.
- Each progress report is due to the CCM within 15 calendar days after the end of the reporting period.

Deliverables:

- Monthly Progress Reports

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

TASK 1.5 - FINAL REPORT

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this contract. The CCM will review and approve the Final Report. The Final Report must be completed on or before the termination date of the contract.

The Final Report shall be a public document. If the Contractor has obtained confidential status from the Energy Commission and will be preparing a confidential version of the Final Report as well, the Contractor shall perform the following subtasks for both the public and confidential versions of the Final Report.

The required specifications for the Final Report will be provided by the CCM.

TASK 1.5.1- FINAL REPORT OUTLINE

The Contractor shall:

- Prepare a draft outline of the Final Report.
- Submit an electronic draft outline of the Final Report to the CCM for review and approval. The CCM will provide written comments to the Contractor on the draft outline within 15 calendar days of receipt.
- Prepare and submit a final outline to the CCM once agreement has been reached on the draft. The CCM shall provide written approval of the final outline within 7 calendar days of receipt.

Deliverables:

- Outline of the Final Report (draft and final)

TASK 1.5.2 - FINAL REPORT

The Contractor shall:

- Prepare the draft Final Report for this contract in accordance with the approved outline.
- Submit an electronic draft Final Report to the CCM for review and comment. The CCM will provide written comments within 15 calendar days of receipt.
- Prepare and submit a Final Report that addresses all of the CCM's comments on the draft Final Report. Any problematic recommended changes should be discussed with the CCM. Once final editing is completed, the CCM shall provide written approval to the Contractor within 7 calendar days.
- Submit one bound copy of the Final Report with the final invoice.

Deliverables:

- Final Report (draft and final)

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

TASK 2: DEVELOP ENERGY ASSURANCE METHODOLOGY

This task is to develop an energy assurance methodology for the Web Application that integrates the critical elements of energy assurance planning at the local government level (Energy Assurance Methodology).

The Contractor shall include the following elements in the energy assurance methodology:

- The ten-step process to facilitate the development of effective energy assurance plans for local governments in cooperation with energy providers, other public and private sector organizations, and State and Federal partners provided in the Public Technology Institute's *Local Government Energy Assurance Guidelines* referred to above in the Reference Documents Section of this solicitation. This ten-step process is as follows:
 1. *Build an Energy Assurance Response and Planning Team:*
 - Designate an Energy Assurance Coordinator
 - Establish a Local Energy Assurance Working Group or Task Force
 - Build Personnel Redundancy into the Planning Framework
 2. *Know Your Emergency Legal Authorities:*
 - Understand the Legal Frameworks under Which Your Planning/Response Efforts Will Operate
 3. *Understand Your Roles and Responsibilities:*
 - Know Which Key Organizations are Responsible for Responding to an Energy Disruption
 4. *Know Your Energy Profile:*
 - Understand the Relationship of Your Jurisdiction's Electricity, Petroleum, and Natural Gas Markets to State and Regional Markets
 5. *Identify Key Energy Suppliers:*
 - Understand the Suppliers, Energy Contracts, and Infrastructure Serving Your Jurisdiction's Electricity, Petroleum, and Natural Gas Needs
 6. *Know Your Key Contacts:*
 - Develop/Maintain a List Including Your Jurisdiction's Key Energy Sector, Service Provider, Emergency Management, and Public Official Contacts
 7. *Identify Key Assets:*
 - Identify the Facilities/Infrastructure Providing Critical Local Services
 - Develop an Understanding of Existing Public and Private Sector Response Plans to Determine Which Key Assets are Most Vulnerable to an Energy Disruption or Emergency
 8. *Develop a Crisis Communications Protocol:*
 - Be Ready to Talk to Your Partners, the Public, and the Media
 9. *Develop State/Regional/Federal Partnerships for Energy Assurance:*
 - Coordinate Planning and Response Efforts with Other Public Authorities to Utilize Additional Resources and Expertise Effectively
 10. *Update Your Plan on a Consistent Basis:*

The Contractor shall also identify and recommend other major elements of energy assurance planning for the Web Application that are specifically relevant to local governments in California. More specifically, the Contractor Team shall:

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

- At a minimum, include the following elements in each energy assurance plan prepared for a Local Government:
 1. Emergency Preparedness and Response
 2. Protecting Critical Infrastructure
 3. Enhancing Resiliency
- As directed by the CCM, integrate input received from Local Governments as a result of outreach efforts conducted pursuant to Task 4 below on additional energy assurance planning elements that should be included in the Energy Assurance Methodology.
- Identify and recommend measures to address important barriers for Local Governments in creating energy assurance plans.
- Identify and recommend measures to address interdependent systems, such as water, transportation, and communications, and emerging technologies, such as smart grid, transportation electrification, bio-fuels, efficiency measures, and distributed generation, that impact energy assurance planning by Local Governments.
- Recommend strategic energy options to mitigate energy disruptions from an “**all hazards approach**,” that addresses energy supply disruptions caused by earthquakes, flooding, wildfires, natural disasters, terrorism, civil disturbances, and infrastructure failures.
- As appropriate and directed by the CCM, integrate energy assurance planning elements from existing energy assurance guides, tools, and literature, in addition to the ten-step process identified above, including, but not limited to, the Reference Documents identified in this solicitation.
- Identify necessary elements of energy assurance plans for specific jurisdictions that are not addressed by the Web Application.

DELIVERABLE 2.1: DRAFT ENERGY ASSURANCE METHODOLOGY REPORT

- The required specifications, procedures for Commission review and approval, and specific due date for the *Draft Energy Assurance Methodology Report* will be provided by the CCM.

DELIVERABLE 2.2: FINAL ENERGY ASSURANCE METHODOLOGY REPORT

- The required procedures for Commission review and approval and the specific due date for the Final Energy Assurance Methodology Report will be provided by the CCM.

TASK 3: WEB APPLICATION USING ENERGY ASSURANCE METHODOLOGY (TASK BUDGET: UP TO \$499,950)

The Contractor shall:

- As directed by the CCM, develop the draft Local Energy Assurance Planning Web Application (Web Application or LEAPWA) integrating the Energy Assurance Methodology

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

developed pursuant to Task 2 above, as reflected in the Final Energy Assurance Methodology Report, and incorporating input from Local Governments on the use and development of the LEAPWA received pursuant to Task 4 below.

- Identify the most cost-effective approach for the Web Application. This may consist of a modification of an existing software application (or a modified off the shelf (MOTS) application), or the creation of an entirely new software application.
- As directed by the CCM, conform to System Requirements specified by the California Energy Commission's Information Technology Services Branch (ITSB) at time of scheduled development. This includes, but is not limited to, software requirements, server hardware specifications (both SQL Database and Web Portal), and host requirements.
- As directed by the CCM, conform to the requirements of the Energy Commission's ITSB and Web Development Team in the development of the Web Application.
- As directed and specified by the CCM, conform to all applicable web publishing, intellectual property licensing, and acquisition requirements in the development of the Web Application.
- Train Energy Commission staff on how to use, maintain, and update the Web Application.
- Test the draft LEAPWA
 - The required specifications and requirements for the Web Application, procedures for Commission review and approval, and schedules/due dates for testing and consequent modification of the Web Application shall be provided by the CCM.

DELIVERABLE 3.1: DRAFT PUBLICATION-READY WEB APPLICATION (LEAPWA) USING ENERGY ASSURANCE METHODOLOGY

The required specifications and requirements, procedures for Commission review and approval, and specific due date for the Draft LEAPWA will be provided by the CCM.

DELIVERABLE 3.2: FINAL PUBLICATION-READY WEB-APPLICATION (LEAPWA) USING ENERGY ASSURANCE METHODOLOGY

The required procedures for Commission review and approval and specific due date for the Final LEAPWA will be provided by the CCM.

TASK 4: STAKEHOLDER OUTREACH

The purpose of this task is to engage stakeholders to provide input on the development of the Web Application and future Energy Assurance activities. This task is essential to solicit input about the needs of Local Governments concerning energy assurance, resource constraints, training opportunities, and the integration of other local plans relevant to energy assurance planning, such as emergency plans, hazard mitigation plans, etc.

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

The Contractor shall:

- Compile contact lists of representatives and officials from Local Governments; public and private utilities (municipal, electricity, natural gas, liquid fuels), the emergency response community, and other state agencies.
- Plan and prepare workshop presentation materials. These presentation materials shall include:
 - Workshop agendas.
 - A description of the objectives of the Project, the purpose of energy assurance planning, relevant principles and background concepts, desired outcomes, barriers and issues for the development of energy assurance plans by Local Governments.
 - Review of draft version of Web Application.
- All workshops must be web-cast.
- Document input from stakeholders.

DELIVERABLE 4.1: Stakeholder outreach meeting schedules.

DELIVERABLE 4.2: Presentation materials for stakeholder outreach meetings.

- The required procedures for Commission review and approval of the presentation materials for stakeholder outreach meetings will be provided by the CCM.

DELIVERABLE 4.3: Stakeholder outreach attendance rosters.

DELIVERABLE 4.4: DRAFT LOCAL GOVERNMENT ENERGY ASSURANCE FEEDBACK REPORT

- The required specifications, procedures for Commission review and approval, and specific due date for the *Draft Local Government Energy Assurance Feedback Report* will be provided by the CCM.

DELIVERABLE 4.5: FINAL LOCAL GOVERNMENT ENERGY ASSURANCE FEEDBACK REPORT

- The required procedures for Commission review and approval and specific due date for the *Final Local Government Energy Assurance Feedback Report* will be provided by the CCM.

TASK 5: IDENTIFY, RECRUIT, AND ENROLL CANDIDATES FOR ENERGY ASSURANCE PLAN DEVELOPMENT ASSISTANCE

The objective of this task is to provide assistance to Local Governments in the creation of energy assurance plans using the Web Application by the Project end date.

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

TASK 5.1 – Outreach and Implementation Plan

The Contractor shall:

- Develop an Outreach and Implementation Plan based on jurisdictional criteria that ensures the development of at least 20 energy assurance plans by Local Governments, including, but not limited to: population, population densities, multiple hazard risks, resource needs, and willingness to participate. In addition, other recommended criteria identified by stakeholders in the *Final Local Government Energy Assurance Feedback Report* completed pursuant to Task 4 above should be included, as directed by the CCM. This Outreach and Implementation Plan will be referred to as the **CALEAP OUTREACH AND IMPLEMENTATION PLAN**.

DELIVERABLE 5.1(A): DRAFT CALEAP OUTREACH AND IMPLEMENTATION PLAN

- The required specifications, procedures for Commission review and approval, and specific due date for the **DRAFT CALEAP OUTREACH AND IMPLEMENTATION PLAN** will be provided by the CCM.

DELIVERABLE 5.1(B): FINAL CALEAP OUTREACH AND IMPLEMENTATION PLAN

- The required procedures for Commission review and approval and specific due date for the **FINAL CALEAP OUTREACH AND IMPLEMENTATION PLAN** will be provided by the CCM.

TASK 5.2 – Recruit Local Governments

The Contractor shall:

- Convene workshops to recruit Local Governments to create energy assurance plans using the Web Application.
- Plan and prepare workshop presentation materials. These presentation materials shall include:
 - Workshop agendas.
 - A description of the objectives of the Project, the purpose of energy assurance planning, relevant principles and background concepts, and desired outcomes.
 - An explanation of how energy assurance plans are developed using the Web-Application.
 - Review of final version of Web Application.
- All workshops must be web-cast.
- Document input from stakeholders.

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

DELIVERABLE 5.2(A): Recruitment meeting schedules.

DELIVERABLE 5.2(B): Presentation materials for recruitment meetings.

- The required procedures for Commission review and approval of the presentation materials for the recruitment meetings will be provided by the CCM.

DELIVERABLE 5.2(C): Recruitment meeting attendance rosters.

TASK 5.3 – Candidate List

The Contractor shall:

- Review and recommend jurisdictions for recruitment based on highest value. (Value in: hazard/risk/vulnerability, geography, population, need, and willingness to participate).
 - Develop a Candidate List that will include the Contractor Team's estimated time and cost of developing an energy assurance plan for each identified Local Government. The Contractor shall provide documentation of how these estimates are calculated.

DELIVERABLE 5.3: CANDIDATE LIST

- The required specifications, procedures for Commission review and approval, and due date for the **CANDIDATE LIST** will be provided by the CCM.

TASK 5.4 – Assist Local Governments in the Development of Plans

The Contractor shall:

- Assist approved candidates in developing energy assurance plans using the Web Application in accordance with the approved **FINAL CALEAP OUTREACH AND IMPLEMENTATION PLAN** and **CANDIDATE LIST**.

DELIVERABLE 5.4: STATUS REPORTS ON THE DEVELOPMENT OF ENERGY ASSURANCE PLANS

- The required specifications, procedures for Commission review and approval, and due dates for the **STATUS REPORTS ON THE DEVELOPMENT OF ENERGY ASSURANCE PLANS** will be provided by the CCM.

II. SCOPE OF WORK AND DELIVERABLES CONTINUED

DELIVERABLES AND DUE DATES

Task	Deliverable	Due Date
1	Progress Reports	Monthly
	Outline of the Final Report (draft and final)	January 2012
	Final Report (draft and final)	May 2012
2	Energy Assurance Methodology Report (draft and final)	August 2011
3	Publication-ready Web-Application (LEAPWA) using Energy Assurance Methodology	November 2011
4	Stakeholder outreach meeting schedules	September 2011
4	Presentation materials for stakeholder outreach meetings	A week before scheduled meetings
4	Stakeholder outreach attendance rosters	A week after each scheduled meeting
4	Local Government Energy Assurance Feedback Report (draft and final)	October 2011
5	CaLEAP Outreach and Implementation Plan (draft and final)	November 2011
5	Recruitment meeting schedules	November 2011
5	Presentation materials for recruitment meetings	A week before scheduled meetings
5	Recruitment meeting attendance rosters	A week after each scheduled meeting
5	Candidate List	December 2011
5	Status Reports on the Development of Energy Assurance Plans	Monthly during this task

III. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

During the evaluation and selection process, the Commission may interview a Bidder either by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to change or add to the contents of the original proposal.

PROPOSAL EVALUATION

To analyze all Proposals, the Commission will organize an Evaluation Committee. The Proposals will be analyzed in two stages:

Stage One: Administrative and Completeness Screening

The Contracts Office will review Proposals for compliance with administrative requirements and completeness. Proposals that fail Stage One may be disqualified and eliminated from further evaluation.

Stage Two: Technical and Cost Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section. The total score for each proposal will be the average of the combined scores of all Evaluation Committee members. The Evaluation Committee may, at its discretion, seek clarification of any point in the written technical proposal through a clarification interview with the Bidder. Proposals not attaining a score of 70 percent of the total possible points will be eliminated from further competition. All Preferences will be applied, if applicable, to all proposals attaining a minimum of 70 points. The contract shall be awarded to the responsible bidder with the highest score, after application of Preferences.

NOTICE OF PROPOSED AWARD

The Commission will post a Notice of Proposed Award (NOPA) at the Commission's headquarters in Sacramento, on the Commission's Web Site, and will mail the NOPA to all parties that submitted a proposal.

III. EVALUATION PROCESS AND CRITERIA CONTINUED

SCORING SCALE

The Evaluation Committee will give a score from zero (0) to ten (10) for each criterion described below. The point calculations reflect the averages of the combined scores of all Evaluation Committee members.

Point Scale

0 Points	<ul style="list-style-type: none">✓ Is not in substantial accord with the RFP requirements.✓ Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of product and/or service.✓ Provides an advantage to one competitor over the other competitors, for example, not paying minimum wages.
1-3 Points	<ul style="list-style-type: none">✓ The proposal states a requirement, but offers no explanation of how or what will be accomplished.✓ The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.
4-6 Points	<ul style="list-style-type: none">✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	<ul style="list-style-type: none">✓ Satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an <u>exemplary manner</u>, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).
10 Points	<ul style="list-style-type: none">✓ Exceeds the minimum requirements and specifically describes how and/or what will be accomplished both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).

PREFERENCE POINTS

A Bidder may qualify for non-technical preference points such as Small/Micro Business, Non-Small Business, and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

Disabled Veteran Business Enterprise Incentive

The DVBE Incentive program was established pursuant to Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et.seq. The information in Attachment 3.1 explains how the incentive is applied and how much of an incentive will be given.

Small / Microbusiness

Bidders who qualify as a State of California certified small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. Bidders qualifying for this preference must submit their Small Business Certification and document their status in Attachment 1, Contractor Status Form.

III. EVALUATION PROCESS AND CRITERIA CONTINUED

Non-Small Business

The preference to a non-small business bidder that commits to small business or micro-business subcontractor participation of twenty-five percent (25%) of its net bid price shall be five percent (5%) of the highest responsive, responsible bidder's total score (RFP secondary). A non-small business, which qualifies for this preference, may not take an award away from a certified small business. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should complete RFP Attachment 8 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review RFP Attachment 9 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review RFP Attachment 10 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

III. EVALUATION PROCESS AND CRITERIA CONTINUED

Evaluation Criteria	Weight Factors	Total Possible Score
<p>1. <u>Team Organizational Structure</u></p> <p>This score will be based on:</p> <ul style="list-style-type: none"> a. Management structure of Contractor Team. b. Appropriate level and type of staffing. <ul style="list-style-type: none"> i. Description of each firm that is part of the Contractor Team and an explanation of the role that each of these firms will play in completing the Project. ii. Description of all key individuals who are a part of the Contractor Team and an explanation of the role that each of these individuals will play in completing the Project. c. Accessibility to the Energy Commission. d. Location of the headquarter(s) and satellite office(s) of each firm that is part of the Contractor Team and proposed methods of minimizing travel costs under this contract. e. Approach to contract management. f. Ability to effectively and efficiently recruit additional subcontractors and partners in response to Energy Commission direction. g. Ability to effectively and efficiently communicate with the Energy Commission and relevant stakeholders. 	1.5	15
<p>2. <u>Team Experience and Qualifications</u></p> <p>This score will be based on:</p> <ul style="list-style-type: none"> a. Specific knowledge and experience concerning each scope of work task, as demonstrated through examples of previous work products. b. Specific knowledge and experience concerning local energy assurance planning, including, but not limited to, assessment of critical infrastructure, current and emerging energy strategies, and cyber and physical security. c. Specific knowledge and expertise in the development of easy to use, interactive, data-driven web applications that are tailored to the needs of particular clients, including associated testing and training of Energy Commission staff. d. Resumes for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses. e. Demonstrated ability to organize and manage technical experts to effectively complete scope of work tasks and deliverables in a timely manner. f. Demonstrated ability to organize and facilitate workshops to produce the desired outcomes. g. Efficiency and effectiveness of proposed approaches to address topic areas not anticipated by this RFP. 	2	20

III. EVALUATION PROCESS AND CRITERIA CONTINUED

Evaluation Criteria	Weight Factors	Total Possible Score
3. Approach to Work Statement and Methodology This score will be based on: <ol style="list-style-type: none"> Consistency with scope of work emphasis and priorities. Thoroughness and clarity of proposal. Demonstrated experience with similar tasks. Demonstrated understanding of scope of work tasks. Effectiveness of proposed approach to develop Energy Assurance Methodology for use in the development of the Web Application. Effectiveness of proposed approach to develop Web Application, including associated testing and training of Energy Commission staff. Effectiveness of proposed approach to engage stakeholders to provide input on the development of the Web Application. Effectiveness of proposed approach to identify, recruit, and enroll candidates for energy assurance plan development assistance. Ability to effectively modify approach to scope of work in response to Energy Commission's direction. 	3.5	35
4. <u>Project Budget (Cost Factor):</u> This score will be based on: <ol style="list-style-type: none"> Consistency of budget with the scope of work. The project budget itemizes reasonable costs for personnel, indirect costs, subcontractors, equipment, operating expenses, fees, etc., for each scope of work task. The proposal itemizes the budget in sufficient detail to justify the expenditures for each scope of work task. The budget includes all required information for personal services, subcontractors, operating expenses, fees, and total expenditures. The budget shows that key personnel and subcontractors will be committed to the Project for an appropriate number of hours to accomplish the activities described in the scope of work. The budget for work performed under Task 3 of the scope of work does not exceed \$499,950. 	3	30
<u>Total Cost Score</u>	3	30
<u>Total Technical Score (from above)</u>	7	70
<u>Minimum Passing Score</u>		70
<u>Small / Micro Business Preference</u>		
<u>Non-Small Business Preference</u>		
<u>TACPA, EZA, or LAMBRA</u>		
<u>DVBE Incentive</u>		
<u>Total Score</u>		100

IV. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions on how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred and tabs are encouraged. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and 6 copies of the proposal (Sections 1 and 2).

Bidders must also submit electronic files of the proposal on [CD-ROM diskette](#) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Completed Budget Forms, Attachment 7, must be in Excel format. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of the proposal must be labeled "Request for Proposal 600-10-614," and include the title of the proposal and the appropriate section number:

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone # Bidder's Name Street Address City, State, Zip Code FAX #	RFP 600-10-614 Contracts Office, MS-18 California Energy Commission 1516 Ninth Street, 1st Floor Sacramento, California 95814
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IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered **no later than 3:00 p.m.**, to the Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted. There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

ORGANIZE YOUR PROPOSAL AS FOLLOWS:

SECTION 1, Administrative Response

Cover Letter

Table of Contents

Contractor Status Form

Darfur Contracting Act Form

Small Business Certification

Completed Disabled Veteran Business Enterprise form

Bidder Declaration form GSPD-05-105

Contractor Certification Clauses

Attachment 1

Attachment 2

If applicable

Attachment 3.3

Attachment 3.4

Attachment 4

SECTION 2, Technical and Cost Proposal

Approach to Tasks in Scope of Work

Organizational Structure

Relevant Experience and Qualifications

Labor Hours by Personnel and Task

Client References

Previous Work Products

Budget Forms

Attachment 5

Attachment 7. See also G below.

A. Approach to tasks in Scope of Work

Describe the Bidder's approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

B. Organizational Structure

1. Management structure of Contractor Team.
2. Appropriate level and type of staffing.
 - a) Description of each firm that is part of the Contractor Team and an explanation of the role that each of these firms will play in completing the Project.

IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED

- b) Description of all key individuals who are a part of the Contractor Team and an explanation of the role that each of these individuals will play in completing the Project.
- 3. Accessibility to the Energy Commission.
- 4. Location of the headquarter(s) and satellite office(s) of each firm that is part of the Contractor Team and proposed methods of minimizing travel costs under this contract.
- 5. Approach to contract management.
- 6. Ability to effectively and efficiently recruit additional subcontractors and partners in response to Energy Commission direction.
- 7. Ability to effectively and efficiently communicate with the Energy Commission and relevant stakeholders.

C. Relevant Experience and Qualifications

- 1. Specific knowledge and experience concerning each scope of work task, as demonstrated through examples of previous work products.
- 2. Specific knowledge and experience concerning local energy assurance planning, including, but not limited to, assessment of critical infrastructure, current and emerging energy strategies, and cyber and physical security.
- 3. Specific knowledge and expertise in the development of easy to use, interactive, data-driven web applications that are tailored to the needs of particular clients, including associated testing and training of Energy Commission staff.
- 4. Resumes for all team members listed, including job classification and description, relevant experience, education, academic degrees and professional licenses.
- 5. Demonstrated ability to organize and manage technical experts to effectively complete scope of work tasks and deliverables in a timely manner.
- 6. Demonstrated ability to organize and facilitate workshops to produce the desired outcomes.
- 7. Efficiency and effectiveness of proposed approaches to address topic areas not anticipated by this RFP.

D. Labor Hours by Personnel and Task

Provide the title or classification of each person and their level of effort (hours) for each task, including subcontractor hours

E. Client References

Each bidder shall complete Client Reference Forms. Three client references are required for the Contractor and three for each subcontractor.

F. Previous Work Products

Each bidder shall provide at least one example of a similar work product for the services to be provided. If subcontractors will be providing technical support in a task area, each subcontractor shall also submit one example work product that demonstrates experience in potential work assignments described in this RFP.

IV. PROPOSAL FORMAT, REQUIRED DOCUMENTS, AND DELIVERY CONTINUED

G. Budget Forms

Task Summary	Attachment 7, Attachment B-1
Category Summary	Attachment 7, Attachment B-2
Prime Hourly Rates	Attachment 7, Attachment B-3
Hourly Rates for each Subcontractor	Attachment 7, Attachment B-3a-z
Prime Indirect Rates	Attachment 7, Attachment B-4
Indirect Rates for each Subcontractor	Attachment 7, Attachment B-4a-z
Direct Operating Costs	Attachment 7, Attachment B-5

The Contractor must submit information on all of the attached budget forms, B-1 through B-5, and this will be deemed the equivalent of a formal Cost Proposal.

Detailed instructions for completing these forms are included at the beginning of Attachment 7.

Rates and personnel shown must reflect rates and personnel you would charge if you were chosen as the contractor for this RFP. The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their actual rates up to these rate caps. The hourly rates provided in all B-3s shall be unloaded (before fringe benefits, overheads, general & administrative (G&A) or profit).

The award(s) shall be made to the Bidder with the lowest total dollar amount on Attachment 7, Attachment B-1 Task Summary. All other budget forms are required because they will be used for the contract prepared with the winning Bidder.

NOTE: The information provided in these forms will not be kept confidential.

V. Administration

RFP DEFINED

The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder's ability to perform the RFP tasks.

DEFINITION OF KEY WORDS

Important definitions for this RFP are presented below:

Word/Term	Definition
State	State of California
DGS	Department of General Services
Energy Commission	California Energy Commission
RFP	Request for Proposal, this entire document
Proposal	Formal written response to this document from contractor
Bidder	Respondent to this RFP
CCM	Commission Contract Manager
DVBE	Disabled Veteran Business Enterprises

COST OF DEVELOPING PROPOSAL

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

PRINTING SERVICES

Per Management Memo 07-06, State Agencies must procure printing services through the Office of State Publishing (OSP). Bidders shall not include printing services in their proposals.

CONFIDENTIAL INFORMATION

The Commission will not accept or retain any Proposals that are marked confidential in their entirety and Bidders are strongly discouraged from requesting confidential treatment for any of the information contained in a submittal.

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all solicitations must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do

V. ADMINISTRATION CONTINUED

business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a “scrutinized” company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2)

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: This RFP is subject to a mandatory participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

More information regarding DVBE and Small Business is located in Attachments 3.1 and 3.2.

RFP CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all Proposals received in response to this RFP

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site www.energy.ca.gov/contracts and Department of General Services’ Web Site http://www.bidsync.com/DPX?ac=powersearch&srchoid_override=307818.

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V. ADMINISTRATION CONTINUED

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be "timed" to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: "This proposal and the cost estimate are valid for 60 days."

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

This RFP contains the instructions governing the requirements for a firm quotation to be submitted by interested Bidders, the format in which the technical information is to be submitted, the material to be included, the requirements which must be met to be eligible for consideration, and Bidder responsibilities. Bidders must take the responsibility to carefully read the entire RFP, ask appropriate questions in a timely manner, submit all required responses in a complete manner by the required date and time, make sure that all procedures and requirements of the RFP are followed and appropriately addressed, and carefully reread the entire RFP before submitting a proposal.

GROUND TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.

V. ADMINISTRATION CONTINUED

- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- It contains confidential information.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- The firm or individual has submitted multiple proposals for each task.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.
- The budget forms are not filled out completely.

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Commission and the successful Bidder is in effect until the contract is signed by the Contractor, approved at a Commission Business Meeting, and approved by the Department of General Services, if required.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.